

# LOS ANGELES COUNTY DISTRICT ATTORNEY CHARGE EVALUATION WORKSHEET

Page 1 of 5

<input checked="" type="checkbox"/> FELONY  <input type="checkbox"/> MISDEMEANOR		AGENCY NAME LAPD - SID		DA CASE NO. 32602474		DATE 03/28/2012	
		AGENCY FILE NO. (DR OR URN) CF # 09-000739		DA OFFICE CODE J.S.I.D. 10-0490R		VICTIM ASSISTANCE REFERRAL <input type="checkbox"/> YES - NOTIFY VWAP <input checked="" type="checkbox"/> NO	

  

SUSP NO.	SUSPECT				CHARGES			
					CODE	SECTION	OFFENSE DATE	REASON CODE

  

1	NAME (LAST, FIRST MIDDLE))  REYES, REBECCA MENDEZ				PC	641.3(A)	02/08/2009 - 02/19/2009	B
					PC	146(G)A	02/08/2009 - 02/19/2009	B
	DOB 07/01/1972		SEX (M/F) F	BOOKING NO.	VIP -- Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
	Gang Member Name of Gang				Victim Gang Member Name of Gang:			
	Victim Name:				Victim DOB:			

  

2	NAME (LAST, FIRST MIDDLE))  LOPEZ, BLANCA ESTRELLA				PC	641.3(A)	02/08/2009 - 02/19/2009	B
					PC	146(G)A	02/08/2009 - 02/19/2009	B
	DOB 09/23/1983		SEX (M/F) F	BOOKING NO.	VIP -- Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
	Gang Member Name of Gang				Victim Gang Member Name of Gang:			
	Victim Name:				Victim DOB:			

  

3	NAME (LAST, FIRST MIDDLE))							
	DOB		SEX (M/F)	BOOKING NO.	VIP -- Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
	Gang Member Name of Gang				Victim Gang Member Name of Gang:			
	Victim Name:				Victim DOB:			

  

Comments  
 SEE ATTACHED.

  

COMPLAINT DEPUTY (print) AMY PELLMAN PENTZ/smm	COMPLAINT DEPUTY (SIGNATURE) 	STATE BAR NO. 175126	REVIEWING DEPUTY (SIGNATURE) 
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I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): JOHN WONG/L.A.P.D. I.A.G. FILING OFFICER (SIGNATURE): MAILED 04/02/12 SERIAL # 24449

  

<b>DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)</b>  A. Lack of Corpus B. Lack of Sufficient Evidence C. Inadmissible Search/Seizure	D. Victim Unavailable/Declines To Testify E. Witness Unavailable/Declines to Testify F. Combined with Other Counts/Cases G. Interest of Justice	H. Other (indicate the reason in Comments section) I. Referred to Non-California Jurisdiction J. Deferred for Revocation of Parole K. Further Investigation	L. Prosecutor Prefiling Deferral  <b>DISTRICT ATTORNEY'S REASON CODES</b>  M. Probation Violation filed in lieu of N. Referred to City Attorney for Misdemeanor Consideration
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LAST NAME: REYES

FIRST NAME: REBECCA

DA CASE NUMBER: 32602474

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles Police Officers Rebecca Reyes and Blanca Lopez committed the crimes of Commercial Bribery, in violation of Penal Code section 641.3(a) and Disclosing Information from a Criminal Investigation for Financial Gain, in violation of Penal Code section 146g(a). For the reasons set forth below, this office declines to initiate criminal proceedings in this matter.

The following analysis is based on reports, photographs, and audio recordings submitted to this office by Sergeant John Wong of the Los Angeles Police Department (LAPD) Internal Affairs Group, Administrative Investigation Division. No compelled statement made by either Officer Reyes<sup>1</sup> or Officer Lopez was considered for the purpose of this analysis.

## INTRODUCTION

On February 8, 2009, at approximately 12:40 a.m., Christopher Brown physically assaulted his girlfriend, Robyn F., as Brown drove his leased Lamborghini south on June Street in the City of Los Angeles.<sup>2</sup> The assault resulted in visible physical injuries to Robyn F., including contusions to her face and forehead. LAPD Officers Fernando Chavez, Arturo Ramos, Sopheakrta Prak, and Misha Wei responded to the scene, conducted an investigation, and interviewed the victim. LAPD Officer Calvin Tooley took 33 digital photographs of Robyn F. in order to document the extent of her injuries.<sup>3</sup>

The photographs depicting Robyn F.'s injuries taken by Officer Tooley were printed and left stacked on a desk where the Wilshire Division Area Command Center was located. While the photos lay there, Officer Reyes took a digital photograph of the top photo with her personal cell phone. This photograph was identical to the photo that later appeared on Thirty Mile Zone (TMZ).

Within a day or two, details of the incident were reported by the news media. The source of information as to the details of the assault is unknown.

On February 19, 2009, TMZ posted a copy of the photograph on television depicting Robyn F.'s injuries taken by Tooley. Concerned, Captains Evangelyn Nathan and Eric Davis went to roll calls held at Wilshire Station. They advised the officers to come forward if they had any information regarding the release of the LAPD photograph of Robyn F. Officer Rebecca Reyes was in roll call when this issue was addressed and did not come forward.

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<sup>1</sup> Officer Reyes did make a voluntary statement which was considered by this office.

<sup>2</sup> Both Brown and Robyn F. are successful recording artists.

<sup>3</sup> Brown was prosecuted for the assault in case number BA353571.

A computer query was conducted relating to all electronic correspondences on Wilshire Area department computers. That inquiry revealed that Reyes had downloaded the image of Robyn F. from her cell phone to her LAPD email address.

## **FACTUAL ANALYSIS**

The photograph in question is a photo of Robyn F.'s face which depicted her injuries. On February 8, 2009, that photo, along with the 32 other pictures taken by Tooley, was left stacked on a desk at the Wilshire Station where the Area Command Center was located. This area was open to all LAPD personnel. Additionally, the photos were downloaded onto two CDs which were booked as evidence. A CD copy was given to Detective De Shon Andrews when he arrived at Wilshire Division later that day.<sup>4</sup>

That early morning, while the photos lay on the desk near the Area Command Center, Officer Reyes took a photograph of the printed image. On February 13, 2009, Reyes forwarded the digital image of Robyn F. from her cellular phone to two other LAPD officers.<sup>5</sup> Later that day, Officer Reyes forwarded this photograph from her personal cellular phone to her department email address. This photograph was then forwarded from her department email to her personal Yahoo! email address.<sup>6</sup>

The image of Robyn F. sent from Reyes' LAPD account to her Yahoo! account was not forwarded to any other source. The information provided from a search warrant executed on Yahoo! did not reveal whether the image was opened, downloaded, or printed. Officer Reyes's personal email account was accessed twice on February 11, 2009. It was next accessed on February 17, 18 and 19, 2009. Three IP addresses were used to log into Reyes' personal account. Those IP addresses are not LAPD addresses and the investigation did not reveal to whom they belonged.

Officers Reyes and Lopez were roommates during the time in question. Officer Reyes was assigned to Wilshire Division and Officer Lopez was assigned to Hollenbeck during February of 2009. Phone records show over 300 phone calls between Reyes and Lopez during the month of February 2009. On February 8, Reyes phoned Lopez at 1:23 a.m. Lopez called 411 at 2:04 a.m. and 2:08 a.m. Between 2:08 and 2:11 a.m., Lopez called Fox Television three times. Those calls lasted 1 minute 12 seconds, 1 minute 5 seconds, and 1 minute 42 seconds respectively. Between 2:15 and 2:35 a.m., Lopez phoned TMZ

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<sup>4</sup> Detective Andrews was called to Wilshire Police Station to assist in the investigation of Brown's assault on Robyn F. Andrews was given a copy of the investigative report. Andrews noticed that only six photographs were attached to the report. Andrews was told that the printed copies of the remaining photos had been shredded.

<sup>5</sup> These officers were LAPD Officer Jason Perez and Sergeant Edward Acosta. Data provided by Verizon supports Reyes' statement that she forwarded this image to these officers. However, Verizon does not store images taken by cell phone. Neither Perez nor Acosta provided a voluntary statement in this matter.

<sup>6</sup> Reyes' department email is programmed to forward all department emails automatically to her personal email account.

four times. Those calls lasted 33 seconds, 33 seconds, 27 seconds, and 30 seconds respectively.

On February 19, 2009, TMZ published the photo on television, indicating that they had obtained this information from law enforcement sources. Other media outlets reported that a law enforcement source was paid over \$62,000 for the photograph. The investigation has been unable to verify that any money was exchanged for this photograph.

Several people knew that Reyes had possession of a photo of Robyn F. depicting her injuries. Reyes told Officer Erika Spence that she had the photograph. Reyes showed Student Worker Ashley Leonard the photo on her cell phone. Reyes also showed a copy of the image of Robyn F. on her cell phone to her niece, Crystal Magallanez.

Search warrants were executed on Reyes' residence. Various electronic equipment, including Reyes' computer and cell phones, was recovered. A diagnostic search of these items was conducted by LAPD's Commercial Crimes Division. No information relating to Robyn F.'s assault was found in any of Reyes' seized items.

Search warrants were also executed on Lopez's house, vehicle and lockers. Various electronic equipment, including her computer and cell phones, was recovered. A diagnostic search of these items was conducted by LAPD's Commercial Crimes Division. Three videos of a television talk show concerning the leak of the photo of Robyn F. to the media were stored on Lopez's cellular phone. No other relevant information was discovered.

Search warrants were executed on the bank records of Reyes and Lopez. No useful information was obtained by these documents.

Other LAPD personnel were given access to these photographs. Tooley emailed all of the photos to Sergeant Garbriel Lara per his request. Sergeant Lara then forwarded these photographs electronically to Captains Nathan and Davis. Other individuals given access to these photos include, but are not limited to, Sergeant Bridget Prickett, Lieutenant Bryan Wong, and Detective De Shon Andrews.

## **CONCLUSION**

Any employee who solicits or accepts money from a person corruptly and without the knowledge and consent of her employer, in return for using her position for the benefit of that other person, is guilty of a violation of California Penal Code section 641.3. Any peace officer who discloses for financial gain information obtained in the course of a criminal investigation is guilty of violating California Penal Code section 146g(a).

In order to prove the above violations, the people must prove beyond a reasonable doubt that Reyes and Lopez disclosed the image of Robyn F. to TMZ and obtained money in

exchange for this disclosure. The evidence presented is insufficient to prove either of these essential elements.

It is clear that Reyes possessed the image depicting Robyn F.'s injuries. That image was downloaded to Reyes' LAPD email and forwarded electronically to her Yahoo! email account. It is also clear that Lopez phoned both Fox Television and TMZ. However, no additional evidence suggests that Reyes or Lopez provided this photograph to TMZ. The investigation reveals that several other LAPD personnel also possessed this photograph. Moreover, a search of Reyes' and Lopez's bank accounts failed to locate any payment by any media outlet. As such, although both Reyes and Lopez's actions are suspicious, they are insufficient to support a criminal prosecution.

Based upon an examination of the evidence, it can not be proved beyond a reasonable doubt that Officer Rebecca Reyes' or Blanca Lopez's actions violated Penal Code sections 641.3(a) and 146g(a). Therefore, we decline to initiate criminal proceedings against Officers Reyes and Lopez. We are closing our file and will take no further action in this matter.